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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ALBERTALLI, BRIAN LOUIS	
ART UNIT	**PAPER NUMBER**
2655	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/007,615	KOBAL ET AL.	
	Examiner	Art Unit	
	Brian L Albertalli	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 12/7/04.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-23 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendments to the claims have been entered. Independent claims 1, 10, and 15 are currently amended, as well as dependent claims 5, 6, 19, and 20.

Response to Arguments

2. Applicant's arguments filed December 7, 2004 have been fully considered but they are not persuasive.

Independent claims 1, 10, and 15 have been amended to overcome the previous rejections under U.S.C. 102(b) as being anticipated by Baker et al. (U.S. Patent 6,092,044). However, Baker et al. teach each of the features recited in independent claims 1, 10, and 15, and thus the rejections under U.S.C. 102(b) as being anticipated by Baker et al. are upheld.

In response to the argument that Baker et al. fails to teach the composing of a pronunciation (page 10, lines 7-8 of applicant's arguments), the recitation "for composing a pronunciation of a portion of text" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to

stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Furthermore, Baker et al. disclose the method is used to generate and edit the pronunciation of a portion of text (the text within box 1752 of Fig. 7, see column 17, lines 66-67 and column 18, lines 5-8). Generating and editing the pronunciation is equivalent to composing a pronunciation.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Baker et al. fails to teach "fine tuning" of pronunciation information, page 10, lines 8-9 of applicants arguments) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Independent claims 1, 10, and 15 have been amended to include the limitation that the pronunciation information is comprised of at least one phoneme and *at least one additional pronunciation parameter.* As discussed in the applicant's specification (page 5, lines 10-12) and further emphasized in the applicant's arguments (page 8, lines 9-12), the additional pronunciation parameters include *the ordering of the phonemes.* Baker et al. disclose displaying pronunciation information (pronunciation box 1756) that comprises at least one phoneme from a plurality of graphically presented phonemes (phonemes "o", "UH", th", etc. in box 1756, selected from the phoneme table containing

valid phonemes, column 18, lines 49-52) and at least one additional pronunciation parameter (the phonemes in box 1756 are presented in the order that they are pronounced).

The claims additionally add the limitation that a user is enabled to compose the pronunciation based upon *at least one* of an audible rendering of a portion of said pronunciation, an audible rendering of an exemplary word illustrative of a particular phoneme, and a visual rendering of an exemplary word illustrative of the particular phoneme. Baker et al. disclose audibly playing back the phonemes through a text-to-speech synthesizer (column 18, lines 43-45).

3. The arguments presented in regard to Shaw et al. (U.S. Patent 6,363,342) and Holm et al. (U.S. Patent 5,850,629) simply assert that Shaw et al. and Holm et al. do not singularly or in combination with Baker et al. teach or suggest each feature in amended independent claims 1, 10, and 15. However, as discussed above, Baker et al. discloses each feature of independent claims 1, 10, and 15, and thus, the argument is moot.

4. Therefore, claims 1-4, 9-10, 12-13, 15-18, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker et al. Claims 5-6, 8, 14, 19-20 and 22 are rejected under 35 U.S.C 103(a) as being unpatentable over Baker et al., in view of Shaw et al. Claims 7, 11, and 21 are rejected under 35 U.S.C 103(a) as being unpatentable over Baker et al., in view of Holm et al.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-4, 9-10, 12-13, 15-18, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker et al. (U.S. Patent 6,092,044).

In regard to claims 1 and 15, Baker et al. discloses a method for composing a pronunciation of a portion of text (column 17, lines 66-67 and column 18, lines 5-8) by generating pronunciation information and machine-readable storage, having stored thereon a computer program having a plurality of code sections executable by a machine for causing the machine to perform the steps of:

graphically presenting at least one activatable visual identifier corresponding to individual ones of a plurality of phonemes (Fig. 17, control window 1750 includes a phoneme table button 68 that opens a table containing valid phonemes, column 18, lines 49-51);

responsive to a selection of one of said visual identifiers, generating said pronunciation information in accordance with said selected visual identifier (pronunciation box 1756 is edited using the phoneme table, column 18, lines 51-52), said pronunciation information comprising at least one phoneme from said plurality of phonemes (phonemes "o", "UH", th", etc. in box 1756, selected from the phoneme table containing valid phonemes, column 18, lines 49-52) and at least one additional

pronunciation parameter (the phonemes in box 1756 are presented in the order that they are pronounced);

enabling a user to compose said pronunciation based upon said pronunciation information and at least one of an audible rendering of an exemplary word illustrative of a particular phoneme, and a visual rendering of an exemplary word illustrative of the particular phoneme (audibly playing back the phonemes through a text-to-speech synthesizer, column 18, lines 43-45);

compiling said pronunciation information responsive to a selection of one of said plurality of visual identifiers. Baker et al. discloses that activating a text-to-speech button will play back the phonemes in the pronunciation box (column 18, lines 53-45). The user does not have to perform a separate compile operation prior to playing the text. Therefore, responsive to the selection of one of the visual identifiers (one of the entries in the phoneme table) the pronunciation information (phonemes in pronunciation box 1756) is compiled for use with a speech driven application (a text-to-speech converter uses phoneme information from pronunciation box 1756).

In regard to claims 2-4 and 16-18, Baker et al. disclose that the phoneme table is used to edit the pronunciation information (phonemes contained in pronunciation box 1756, column 18, lines 51-52). Editing encompasses the inserting, removing, and reordering of information. The phoneme associated with the selected visual identifier would necessarily be the phoneme the user intended to insert or remove from the phoneme information. Therefore, Baker et al. disclose the step of identifying at least

one phoneme associated with said selected visual identifier and inserting said identified at least one phoneme into said pronunciation information, the step of identifying at least one phoneme associated with said selected visual identifier and removing said identified at least one phoneme into said pronunciation information, as well as the step of reordering a plurality of phonemes of said pronunciation information.

In regard to claim 9 and 23, Baker et al. disclose storing the pronunciation information in memory (add button 1758 adds words to the vocabulary, column 18, lines 7-10).

In regard to claim 10, Baker et al. disclose a pronunciation composition tool comprising:

A library comprising a plurality of phonemes (dictionary, column 18, lines 7-10);

A graphical user interface comprising a plurality of activatable visual identifiers corresponding to particular ones of said plurality of phonemes (phoneme table, column 18, lines 49-51); and

A processor configured to generate pronunciation information by including selected ones of said plurality of phonemes from said library responsive to a selection of at least one of said activatable visual identifiers (phoneme table contains valid phonemes, column 18, lines 49-51, used to edit pronunciation box 1756, column 18, lines 51-52, phonemes in pronunciation box generated by a processor column 19, lines 5-10) and by enabling a user to compose said pronunciation based upon said

pronunciation information and at least one of an additional pronunciation parameter (the phonemes in box 1756 are presented in the order that they are pronounced), an audible rendering of an exemplary word illustrative of a particular phoneme, and a visual rendering of an exemplary word illustrative of a particular phoneme.

In regard to claim 12, Baker et al. disclose a compiler (processor, column 19, line 7) that compiles the pronunciation information for use with a speech driven application. Baker et al. discloses that activating a text-to-speech button will play back the phonemes in the pronunciation box (column 18, lines 53-45). The information in the phoneme box is in a format that is usable by the text-to-speech converter and therefore, compiled.

In regard to claim 13, the processor is further configured to modify the pronunciation information (the user can edit pronunciations in pronunciation box 1756, column 18, lines 5-6).

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 5-6, 8, 14, 19-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al., in view of Shaw et al. (U.S. Patent 6,363,342).

In regard to claims 5 and 19, Baker et al. do not disclose changing at least one parameter of said pronunciation information.

Shaw et al. disclose a method of generating pronunciation information that comprises a graphically presented means for changing at least one parameter of pronunciation information (Fig. 2, stress buttons 50 alter the stress applied to the syllable, column 4, lines 32-36).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Baker et al. to include a parameter in the pronunciation information and to change the parameter of pronunciation information, as disclosed by Shaw et al., so the word represented by the pronunciation information would be pronounced correctly in a text-to-speech converter, thereby increasing the intelligibility of the audibly output word. Additionally, if the pronunciation information were to be used to generate models for a speech recognition device, changing the parameter of the pronunciation information would conform the recognition models more closely to input speech, thereby increasing recognition results.

In regard to claim 6 and 20, the combination of Baker et al. and Shaw et al., as applied to claim 5, above, discloses in Shaw et al. that the parameter consists of a stress parameter (column 4, lines 32-36).

In regard to claim 8, 14, and 22, Baker et al. does not disclose the plurality of phonemes includes phonemes from at least two languages.

Shaw et al. discloses a plurality of phonemes includes phonemes form at least two languages (phonetic dictionaries contain phonemes corresponding to a plurality of languages, column 4, lines 11-25).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Baker et al. to include phonemes from at least two languages in order to facilitate the development of word pronunciations in the users native language, as taught by Shaw et al. (column 4, lines 23-25).

Claims 7, 11, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al., in view of Holm et al. (U.S. Patent 5,850,629).

In regard to claims 7 and 21, Baker et al. discloses playing an audio approximation of said pronunciation information (text-to-speech button plays back phonemes in pronunciation box 1756).

Baker et al. does not disclose playing an audio approximation of said pronunciation information responsive to a selection of one of said plurality of visual identifiers.

Holm et al. discloses a method of generating pronunciation information that comprises a graphically presented means for cycling through available phonemes and playing an audio approximation of those phonemes (column 7, line 66 through column 8, line 8).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Baker et al. to play an audio approximation of the pronunciation

information in response to a selection of a visual identifier of that pronunciation information so that a user who was not familiar with phonetic representations could hear the sound produced by the selected phoneme, as taught by Holm et al. (column 7, line 66 through column 8, line 6).

In regard to claim 11, Baker et al. discloses a text-to-speech system configured to play an audio approximation of said pronunciation information (column 18, lines 43-45).

Baker et al. does not disclose the text-to-speech system is configured to play an audio approximation of said pronunciation information responsive to activation of one of said activatable visual identifiers.

Holm et al. discloses a text-to-speech system (Fig. 1, 36) configured to cycle through available phonemes and playing an audio approximation of those phonemes (column 7, line 66 through column 8, line 8).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the text-to-speech system of Baker et al. to play an audio approximation of the pronunciation information in response to a selection of a visual identifier of that pronunciation information so that a user who was not familiar with phonetic representations could hear the sound produced by the selected phoneme, as taught by Holm et al. (column 7, line 66 through column 8, line 6).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L Albertalli whose telephone number is (571) 272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BLA 4/20/05

DAVID L. OMETZ
PRIMARY EXAMINER